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August 22, 2008

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Honorable Colleen McMahon  
 United States District Judge  
 United States Courthouse  
 500 Pearl Street, Room 640  
 New York, New York 10007

**MEMO ENDORSED**

Re: **Mitsui Sumitomo Insurance Company, Ltd.  
 v. Union Pacific and Evergreen Marine Corp.  
 S.D.N.Y. 07 CIV. 3874 (CM)  
 Our File: UP-2718**

Dear Judge McMahon:

As attorney for defendants Union Pacific Railroad Company and Evergreen Marine Corporation, I write to inform the Court that on August 19, 2008 the Honorable Judge Alvin Hellerstein issued a decision which discusses a threshold issue relevant to the pending summary judgment motions. I respectfully request permission to submit, without argument or comment, a copy of the decision. The Court's attention is appreciated.

Respectfully submitted,

Barry N. Guttermann

BNG/jh

cc: David L. Mazaroli, Esq.  
 via Fax: (212) 732-7352  
 your file 7MSI-1491  
 Attorneys for Plaintiff

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